

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LEON SMITHERS, et al.,

Plaintiff,

Case No. 05-40347

v.

District Judge Paul V. Gadola
Magistrate Judge R. Steven Whalen

CITY OF FLINT, et al.,

Defendants.

ORDER

Before the Court is Plaintiff's Motion for Leave to Conduct Discovery and to Hold Motion for Summary Judgment in Abeyance [Docket #32]. On January 22, 2007, the District Judge entered an order denying as premature the Motion for Summary Judgment. Further, discovery is still open. Accordingly,

Plaintiff's Motion is DENIED AS MOOT.

SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: February 8, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys

and/or parties of record by electronic means or U.S. Mail on February 8, 2007.

S/Gina Wilson
Judicial Assistant